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704/09 7590 08/31/2010 TRIMBLE NAVIGATION LIMITED C/O WAGNER BLECHER 123 WESTRIDGE DRIVE WATSONVILLE, CA 95076				
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DENNIS YORK

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Appeal 2009-003818  
Application 10/651,586  
Technology Center 2100

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Before JEAN R. HOMERE, ST. JOHN COURTENAY III, and  
STEPHEN C. SIU, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-20. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We Affirm.

### Invention

Appellant's invention is related to the field of portable electronic instruments. More particularly, Appellant's invention on appeal is directed to battery powered portable instruments with input/output (I/O) ports. (Spec. 1).

Claim 1 is illustrative:

1. A processing unit for an electronic instrument comprising:
  - a signal/data processor;
  - an exposed external electrical contact for receiving electric power input;
  - an exposed external electrical contact for receiving an electric signal input;
  - an exposed external electrical contact for transmitting an electrical signal output; and
  - a housing comprising mechanical retention features for securely attaching a battery/input/output module.

The Examiner relies on the following prior art references as evidence of unpatentability:

Ross	US 5,859,628	Jan. 12, 1999
Kamijo	US 6,538,880 B1	Mar. 25, 2003
Dickie	US 6,798,647 B2	Sep. 28, 2004

Appellant appeals the following rejections:

1. Claims 1-19 under 35 U.S.C. § 103(a) as unpatentable over Dickie.
2. Claim 20 under 35 U.S.C. § 103(a) as unpatentable over Dickie, Kamijo, or Ross.

#### APPELLANT'S CONTENTIONS

Appellant contends that Dickie fails to disclose a housing comprising mechanical retention features for securely attaching a battery/input/output module. (App. Br. 10).

Appellant contends that the Examiner did not provide a prima facie rejection of claims 10-12. (App. Br. 15).

#### ISSUES

1. Under § 103, did the Examiner err in determining that Dickie discloses "a housing comprising mechanical retention features for securely attaching a battery/input/output module?" (Claim 1)<sup>1</sup>
2. Under § 103, did the Examiner fail to provide a prima facie rejection of claims 10-12?

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<sup>1</sup> Appellant did not separately argue independent claim 15. Therefore claim 15 stands or falls with independent claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii). Regarding independent claim 8, it is our view that Appellant relies on essentially the same arguments as those presented for claim 1. (App. Br. 13-14).

### FACTUAL FINDINGS

We adopt the Examiner's findings in the Answer as our own, except as to those findings that we expressly overturn or set aside in the Analysis that follows. We add the following factual findings:

1. Dickie discloses a portable computer 104. (Fig. 1) The portable computer includes a docking cradle 120. (*Id.*). The docking cradle 120 is used to secure a personal digital assistant (PDA) 102 (*Id.*).
2. Dickie discloses that the docking cradle 120 contains a release latch 210, and electrical contacts 310. (Fig. 3; col. 3 ll. 39-41, 53-55)
3. Dickie discloses "[t]he interfaces 404 and 414 support both data communication and power transfer. In one implementation, the interfaces facilitate serial communication, although the interfaces may be configured to support parallel communication." (Col. 4, ll. 7-11).
4. Dickie teaches that power may be supplied to charge a battery resident at the PDA 102. (Col. 3, ll. 20-21).

### ANALYSIS

Based upon our review of the record, we find unconvincing Appellant's argument that Dickie does not disclose "a housing comprising

mechanical retention features for securely attaching a battery/input/output module.” (App. Br. 10; *see* claim 1).

We find Dickie discloses a portable computer 104 (processing unit for a portable electronic instrument) that includes a processor 410, and a terminal for receiving power and signal input/output 420. (Fig. 4)

We further find that Dickie discloses that the portable computer includes a docking cradle (housing) (FF 1). The docking cradle includes a latch (mechanical retention features) 210 for attaching a PDA, and electrical contacts. (FF 2).

We further find that the “Power” portion of “Interface” 404 of Dickie teaches or suggests the “battery” of the claimed battery/input/output module, as Dickie expressly teaches that power may be supplied to charge a battery resident at the PDA 102. (FF 4).

The Interface 404 of the PDA further includes input/output functionality via its coupling with portable computer 420. Thus, it is our view that the PDA of Dickie renders obvious the limitations of the housing (portable computer) that attaches a battery/input/output module (PDA), as claimed.

Consistent with our above discussion, we similarly find Dickie’s PDA 102 (battery/input/output module) clearly teaches or suggests the argued limitations of independent claim 8. Dickie’s PDA 102 has a battery (i.e. a storage device for electrical energy (FF 4), and also exposed external electrical contacts for power and signals (Interface 404, Fig. 4), and a housing comprising a mechanical retention feature for securely attaching PDA 102 to a processing unit. (Dickie’s portable computer 104). *See* Dickie’s discussion of the docking procedure, col. 3, ll. 28-60.

Based on the record before us, we find that Appellant has not shown the Examiner erred in rejecting independent claims 1, 8, and 15. Because Appellant presents no separate arguments for dependent claims 2-7, 9, 13, 14, and 16-20, these claims fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(vii).

#### Claims 10-12

Appellant contends that the Examiner has not provided a prima facie rejection of claims 10-12. (App. Br. 15). While the Examiner clearly rejected these claims on page 2 of the Final Office Action mailed Jan. 24, 2007, the Examiner did not set forth a detailed explanation of the rejection. However, the Examiner explains the rejection on page 14 of the Answer and Appellant has responded in the Reply Brief. (pp. 4-5). Therefore, we consider Appellant's arguments traversing the Examiner's clarification of the rejection. (*Id.*).<sup>2</sup>

We do not agree with Appellant's contention that there is no evidentiary basis in the record to support the Examiner's rejection of claims 10-12. (Reply Br. 4-5).

While the Dickie reference does not use the literal term "port," Dickie expressly teaches that "[t]he interfaces 404 and 414 support both data communication and power transfer. In one implementation, the interfaces facilitate serial communication, although the interfaces may be configured to support parallel communication." (FF 3). Given this teaching, we find

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<sup>2</sup> Since Appellant responded to the clarification of the Examiner's rejection in the Reply Brief and we have considered those arguments, Appellant has been afforded due process.

Dickie's data interfaces 404 and 414 are serial or parallel "ports" or at least suggestive of serial or parallel "ports" within the meaning of claims 10 and 11. We also find Dickie inherently teaches a wireless transceiver as necessary to effect the bidirectional IR data coupling or RF data coupling described in column 3 (at line 17) and clearly depicted in Figure 4 (denoted with a bidirectional arrow).

Given the aforementioned evidence, we find Appellant's traversal in the Reply Brief of the Examiner's clarified rejection unpersuasive. Therefore, we sustain the Examiner's rejection of claims 10-12.

#### DECISION

We affirm the Examiner's § 103 rejections of claims 1-20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

#### ORDER

#### AFFIRMED

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